

Message Text

CONFIDENTIAL

PAGE 01 STATE 002347
ORIGIN EA-12

INFO OCT-01 ISO-00 ONY-00 /013 R

66011

DRAFTED BY EA:GMILLER:MFG

APPROVED BY EA:GMILLER

DESIRED DIST EA ONLY

-----077712 060450Z /12

R 051939Z JAN 78

FM SECSTATE WASHDC

TO AMCONSUL HONG KONG

C O N F I D E N T I A L STATE 002347

FOR ASSISTANT SECRETARY HOLBROOKE ONLY

FOLLOWING REPEAT MANILA 0004 ACTION SECSTATE 02 JAN 78

QUOTE

C O N F I D E N T I A L MANILA 0004

E.O. 11652: GDS

TAGS: SHUM, RP

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

REF: MANILA 20435

1. REFTEL REPRESENTED A QUICK AND MINIMUM RESPONSE TO THE OPPORTUNITY GIVEN TO REVIEW THE COUNTRY EVALUATION PLAN FOR THE PHILIPPINES. IT SHOULD NOT BE TAKEN TO MEAN THAT, EVEN WITH THE SUGGESTED CHANGES, THE REPORT WILL BE ACCEPTED HERE AS A FAIR AND CURRENT JUDGMENT OF THE PHILIPPINE SCENE.

2. PHILIPPINE OFFICIALS ARE LIKELY TO HAVE AT LEAST TWO SPECIFIC CRITICISMS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 002347

A. THE REPORT DOES NOT COVER RECENT EFFORTS TO IMPROVE THE SITUATION. (I HAVE ALREADY ADDRESSED THIS IN REFTEL.)

B. THE REPORT WILL APPEAR TO THEM MORE POLEMIC THAN REASONED; THE CLEAR EMPHASIS IS ON THE NEGATIVE.

3. I WOULD ADD TO THESE POSSIBLE CRITICISMS MY OWN FEELING THAT, AT THIS CRITICAL POINT IN U.S.- PHILIPPINE RELATIONS, A GREATER EFFORT SHOULD BE MADE TO PRODUCE REASONED AND CURRENT JUDGMENT OF THE HUMAN RIGHTS SITUATION. I CAN APPRECIATE THE NEED FOR THE DEPARTMENT TO BE CREDIBLE TO THOSE IN THE CONGRESS CONCERNED WITH HUMAN RIGHTS. IF WE ARE REQUIRED, AS WE ARE, PUBLICLY TO EXPRESS JUDGMENTS ON OTHER SOCIETIES, WE OWE IT TO THEM AND TO OUR OTHER MAJOR INTERESTS TO BE AS SCRUPULOUSLY FAIR IN THAT JUDGMENT AS WE ARE ASKING THEM TO BE TOWARD THEIR OWN PEOPLE. THE REPORT AS IT STANDS, WHILE IT MAY BE FACTUALLY ACCURATE, GIVES, THROUGH ITS HEAVY EMPHASIS ON EARLIER REPORTS OF TORTURE, AN IMPRESSION OF A CONTINUING AND WIDESPREAD PRACTICE WHICH IS NOT, AS FAR AS WE CAN TELL, A FAIR IMAGE OF THE CURRENT PHILIPPINE SCENE. I FEAR THE REPORT AS IT STANDS (PARTICULARLY WITH ITS EMPHASIS ON TORTURE) WILL, DESPITE OUR RECENT EFFORTS, SERVE ONLY TO REINFORCE THE CONGRESSIONAL JUDGMENT THAT THE PHILIPPINES IS A "GROSS VIOLATOR." SIGNIFICANT AID LEGISLATION MAY BE AFFECTED ACCORDINGLY -- AND PERHAPS, UNNECESSARILY.

4. WERE IT POSSIBLE TO REVISE THE REPORT, I BELIEVE THE TONE AND RESULTANT IMPACT COULD BE CHANGED BY THE FOLLOWING:

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 002347

A. REDUCING THE SECTION ON TORTURE BY STATING THAT QUOTE: THE FOLLOWING ORGANIZATIONS HAVE, AS A RESULT OF THEIR INVESTIGATIONS OF THE PHILIPPINE SITUATION REPORTED EVIDENCE OF TORTURE, LARGELY BY SPECIAL INTERNAL SECURITY UNITS DURING PRE-DETENTION INTERROGATION: AMNESTY INTERNATIONAL, FOLLOWING ITS NOVEMBER-DECEMBER 1975 MISSION TO THE PHILIPPINES; ASSOCIATION OF MAJOR RELIGIOUS SUPERIORS IN THE PHILIPPINE REPORTS "POLITICAL DETAINEES IN THE PHILIPPINE (BOOK TWO) OF MARCH 1977, THE INTERNATIONAL COMMISSION OF JURISTS REPORT OF AUGUST 1977, SUMMARIZING INVESTIGATIVE MISSIONS UNDERTAKEN FROM MAY 1975 TO FEBRUARY 1977. PRESIDENT MARCOS, WHILE NOT DENYING THAT THERE MAY HAVE BEEN CASES OF TORTURE, HAS STRESSED THAT THIS IS NOT THE POLICY OF THE PHILIPPINE GOVERNMENT AND THAT HE IS TAKING STEPS TO ELIMINATE THE PRACTICE. THE U.S. GOVERNMENT HAS NO REASON TO DOUBT THE AUTHENTICITY OF THE CONCLUSIONS OF THE ABOVE MENTIONED REPORTS, BUT BELIEVES THAT THERE IS EVIDENCE THAT THE INHUMAN PRACTICES CITED IN THESE REPORTS ARE, AS THE RESULT OF PRESIDENT MARCOS' EFFORTS, ON THE DECLINE. UNQUOTE (MANILA 20149)

B. ELIMINATING THE DIRECT REFERENCE TO CONGRESSIONAL COMMITTEE REPORTS. WHY DO WE HAVE TO QUOTE BACK TO CONGRESS ITS OWN REPORTS?

C. NOTING, IN THE SECTION ON THE SUPREME COURT, THAT THE DECISIONS IN FAVOR OF MARTIAL LAW HAVE NOT BEEN UNANIMOUS; THERE ARE OPPOSING VOICES STILL ON THE COURT.

D. ELIMINATING FLAT, UNDOCUMENTED STATEMENTS SUCH AS:

(1) IN THE "INVASION OF THE HOME," "UNDER CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 002347

MARTIAL LAW, HOWEVER, THIS PROTECTION HAS BEEN IGNORED IN MANY INSTANCES;"

(2) IN SECTION 4, THE STATEMENT, "NEITHER INSURGENCY HAS EVEN BEEN A THREAT TO THE EXISTENCE OF THE CENTRAL GOVERNMENT." HOW CAN WE JUDGE THE DEGREE OF THREAT TO A COUNTRY, PARTICULARLY WHEN TWO-THIRDS OF ITS ARMED FORCES ARE INVOLVED IN OPPOSING THESE MOVEMENTS? DO WE MEAN TO IMPLY THAT THE PRACTICES WE CONDEMN WOULD BE ACCEPTABLE IF THE CENTRAL GOVERNMENT WERE THREATENED?

E. EXPANDING THE SECTION ON BASIC HUMAN NEEDS WITH MORE INFORMATION FROM THE EMBASSY'S TELEGRAM 20212.

5. I BELIEVE THAT, IF THESE CHANGES WERE POSSIBLE, THEY WOULD RESULT IN A REPORT THAT WE COULD CONSIDER FAIR, THAT WOULD STILL BE JUSTIFIABLY CRITICAL, BUT THAT WOULD BE LESS LIKELY TO LEAD PRESIDENT MARCOS TO SAY TO HIMSELF, "WHAT PURPOSE IS TO BE GAINED BY TALKING TO THE AMERICAN AMBASSADOR ABOUT HUMAN RIGHTS OR SEEKING TO TAKE STEPS TO REFLECT U.S. CONCERN," WHILE FULLY UNDERSTANDING THE PRESSURES IN THE DEPARTMENT, I FEEL STRONGLY THAT THE SYSTEM SHOULD BE REVIEWED WHICH MAKES NO ALLOWANCE FOR AN INPUT INTO THE FINAL REPORT BY THOSE OF US WHO MUST PRESERVE OUR WIDER INTERESTS AND DEFEND THE REPORT TO THE FOREIGN GOVERNMENT INVOLVED.

6. IN RESPONDING, I AM RESPECTING THE EA ONLY CAPTION. I WOULD HAVE NO OBJECTION, HOWEVER, TO THE WIDER DISSEMINATION OF THESE COMMENTS WITHIN THE DEPARTMENT INCLUDING THE ACTING SECRETARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 002347

NEWSOM

UNQUOTE CHRISTOPHER".

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 jan 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE002347
Document Source: CORE
Document Unique ID: 00
Drafter: GMILLER:MFG
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780009-0769
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780195/aaaadckr.tel
Line Count: 177
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 59c98be6-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 78 MANILA 20435
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 14 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3822812
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS COUNTRY EVALUATION PLAN
TAGS: SHUM, RP
To: HONG KONG
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/59c98be6-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014